

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
DANIEL RIVERA,	:	
	:	
Plaintiff,	:	<b>Index No.: 16-CV-7552</b>
	:	
-against-	:	
	:	
HOME DEPOT U.S.A., INC.,	:	
	:	
Defendant.	:	
	:	
-----	X	
	:	
HOME DEPOT U.S.A., INC.,	:	
	:	
Third-Party Plaintiff,	:	
	:	
-against-	:	
	:	
BRYAN'S HOME IMPROVEMENT CORP.,	:	
	:	
Third-Party Defendant.	:	
	:	
-----	X	

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that on the \_\_\_\_ day of May, 2018, at \_\_\_\_ a.m. or as soon thereafter as counsel may be heard, attorneys for defendant/third-party plaintiff HOME DEPOT U.S.A., INC. ("HOME DEPOT"), shall move, before the Honorable Judge Katherine B. Forrest, U.S.D.J., United State Courthouse, 500 Pearl Street, New York, New York, 100007, for and award of attorney fees and costs, pursuant to Rule 54 of the Federal Rule of Civil Procedure ("FRCP").

**PLEASE TAKE FUTHER NOTICE** that in support of this motion, HOME DEPOT shall rely upon this Notice of Motion, Memorandum of Law in Support of Defendant/Third-party Plaintiff Home Depot U.S.A., Inc.'s Motion for Award of Attorney's fees and costs and the Declaration in Support of the request for the award pursuant to FRCP Rule 54.

**PLEASE TAKE FURTHER NOTICE** that counsel for HOME DEPOT hereby request oral argument.

Dated: New York, New York  
May 18, 2018

Respectfully submitted,

D'AMATO & LYNCH, LLP

By:



ARTURO M. BOUTIN  
Attorneys for Defendant/  
Third-Party Plaintiff  
HOME DEPOT U.S.A., INC.  
225 Liberty Street  
New York, New York 10281  
(212) 269-0927

TO: **via ecf**  
GINART GALLARDO GONZALEZ  
WINOGRAD, LLP  
Attorneys for Plaintiff  
DANIEL RIVERA  
225 Broadway, 13<sup>th</sup> Floor  
New York, New York 10007-3772  
(212) 601-9700

CONNORS & CONNORS, P.C.  
Attorneys for Third-Party Defendant  
BRYAN'S HOME IMPROVEMENT CORP.  
766 Castleton Avenue  
Staten Island, New York 10310  
(718) 442-1700

HERZFELD & RUBIN  
Attorneys for Third Party Defendant  
BRYAN'S HOME IMPROVEMENT CORP.  
125 Broad Street  
New York, New York 10004